

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF MINNESOTA**

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In re:

Donna Jo Spangler

Debtor.

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Bky No. 09-47844

RESPONSE

MEMORANDUM TO

TRUSTEE'S MOTION

To: The Trustee and other entities specified in Local Rule 9013.3

The Debtor, Donna Jo Spangler opposes the trustee's motion for an Order of the Court denying the claimed exemption in the 2006 Hummer.

The Debtor is a disabled Veteran of the Armed Services of the United States. At the present time her only source of income is her Veteran's disability.

On or about April 12, 2006 she purchased a 2006 H3 Hummer (vehicle) for \$36,863.52.

In August 2008, being unemployed, she entered into a loan agreement with Wisconsin Auto Title Loans, Inc. for the amount of \$5,010.50 at an annual percentage rate of 150% which was secured by her vehicle.

Debtor was unable to pay off the loan and her brother Todd A. Spangler assisted her in making the payments until the loan was paid off on March 17, 2009.

During the time, her brother Todd A. Spangler was also helping her make her payments on her homestead.

The total amount of encumbrance owing to her brother Todd A. Spangler on the vehicle is \$5,648.82.

Schedule D of the petition is in error and should reflect that Todd's lien on the vehicle should be \$5,648.82 and not \$19,000.

Further Petitioner is not certain that her estimation of the value of the vehicle at \$15,000 on Schedule C of the Bankruptcy Petition is correct and believes that the vehicle should be appraised.

For the reasons cited above, Debtor maintains that she has an equity interest in the vehicle, and respectfully requests the court for an order denying Trustee's motion and allowing Debtor to amend Schedule C and D as to the value of the vehicle and lien interest of Todd A. Spangler.

Debtor anticipates that the following witnesses would testify that they believe Debtor has an equity interest in the vehicle.

Todd A. Spangler

1492 Sherburne Ave

St. Paul, MN. 55104

Donna Jo Spangler

1100 West 82<sup>nd</sup> Street

Bloomington, MN. 55420

Dated January 15, 2010

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/e/ James R. Doran #23681  
416 East Hennepin  
Ste 115  
Minneapolis, MN. 55414  
612-379-5378  
Attorney for Debtor

**DISTRICT OF MINNESOTA**

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Bky No. 09-47844

In re:

Donna Jo Spangler,  
Debtor .

AFFIDAVIT OF  
Donna Jo Spangler

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STATE OF MINNESOTA)

) ss

COUNTY OF HENNEPIN)

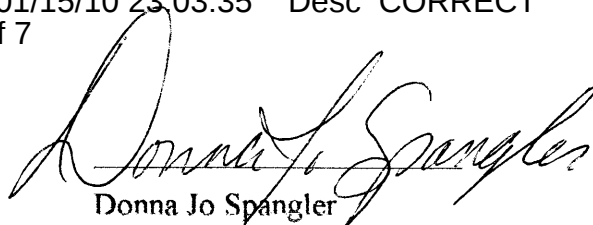
Donna Jo Spangler being duly sworn upon oath states and alleges as follows:

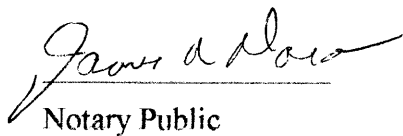
1. I am the debtor in the above entitled matter and my address is 1100 W 82<sup>nd</sup> St,  
Bloomington, MN 55420-2140.
2. I am a disabled Veteran of the Armed Services of the United States.
3. On or about April 12, 2006, I purchased a 2006 H3 Hummer (vehicle) for \$36,863.52.
4. In August 2008, being unemployed, I entered into a secured loan agreement with  
Wisconsin Auto Title Loans, Inc., 1407 Coulee Road, Hudson WI 54056 for the amount  
of \$5,010.50 at an annual percentage rate of 150%.

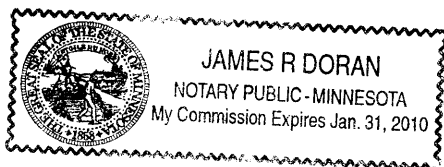
5. I was unable to pay off the loan and so my brother, Todd A. Spangler assisted me in making the payments until the loan was paid off on March 17, 2009.
6. During this time my brother, Todd A. Spangler was also helping me make my mortgage payments on my homestead.
7. The total amount of encumbrance owing to my brother Todd A. Spangler on the vehicle is \$5,648.82
8. Schedule D of the petition should be amended to reflect that Todd's lien on the vehicle should be \$5,648.82 and not \$19,000.
9. I am not certain about the value of the vehicle at the time of the filing of my Bankruptcy petition and I believe the vehicle should be appraised.
10. I believe that I have an equity interest in the vehicle.

Further your affiant sayeth not but makes this affidavit in opposition to the trustee's motion.

Subscribed and  
Sworn to before me  
This 1<sup>st</sup> day of  
January, 2010.

  
Donna Jo Spangler

  
Notary Public



**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF MINNESOTA**

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**UNSWORN DECLARATION**  
**FOR PROOF OF SERVICE**

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I hereby certify that on January 15, 2010, I caused the following documents:

-Affidavit of Donna Jo Spangler, Debtor's Response Memorandum, Proposed Order, and Proof of Service.

To be filed electronically with Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

- James R. Doran [wexf@hotmail.com](mailto:wexf@hotmail.com)
- Randall L. Seaver [rlseaver@fullerseaverramette.com](mailto:rlseaver@fullerseaverramette.com)
- Matthew Swanson [mdswanson@fullerseaverramette.com](mailto:mdswanson@fullerseaverramette.com)
- U.S. Trustee [ustpreion12.mn.ecf@usdoj.gov](mailto:ustpreion12.mn.ecf@usdoj.gov)

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

Donna Jo Spangler  
1100 West 82<sup>nd</sup> Street  
Bloomington, MN 55420

Dated: January 15, 2010

/e/ James R. Doran

James R. Doran

**UNITED STATES BANKRUPTCY COURT**  
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ORDER

This case came before the court on the objection of the Chapter 7 trustee to a claimed exemption. Appearances, if any were as noted upon the record.

Based upon the motion and the files,

IT IS ORDERED:

That the trustee's objection is denied and the Debtor shall amend Schedules C & D of the Bankruptcy Petition showing the appraised value of the vehicle and the \$5,648.82 lien interest of Todd A. Spangler.

Dated: \_\_\_\_\_

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Nancy C. Dreher

Chief U.S. Bankruptcy Judge